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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**BY FEDERAL EXPRESS**

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation In the Matter of Revision of Part 2 of the Commission's Rules Relating to the Marketing and Authorization of Radio Frequency Devices, ET Docket No. 94-45 RM-8125

Dear Mr. Caton:

Capital Cities/ABC, Inc. ("Capital Cities/ABC"), the owner and operator of eight television stations and 19 radio stations and the ABC Television and Radio Networks, among other mass media and mass-media related enterprises, is writing this ex parte letter to comment on the Commission's Notice of Proposed Rulemaking ("Notice"), released June 21, 1994, and to respond to the comments and reply comments of International Business Machines ("IBM") in the above-referenced matter. Two additional copies of this letter are enclosed for inclusion in the public record.

Capital Cities/ABC believes that the Commission proposal to permit manufacturers of Class A (commercial) computers and related components to supply such devices to users for evaluation prior to authorization or a determination of compliance with the Commission's technical standards, and in particular IBM's proposal to extend this proposed rule to Class B (home) computers, would be ill-advised in the absence of considerably more stringent controls to reduce the potential interference to radio and television reception posed by such devices. Seeking to enhance competitiveness of computer hardware manufacturers by speeding the authorization process is a laudable goal, but it is important that adequate safeguards are provided to assure that wireless communications, including broadcast, continue to function without excessive interference.

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List A B C D E

A. The Commission's Proposed Rule Threatens Interference with Reception of Broadcast Signals in Residential Areas.

The rule proposed by the Commission could create a threat to the reception of radio and television broadcasts in densely populated residential areas -- the areas that are critical to the successful operation of over-the-air broadcasting. Although the Commission proposes authorizing pre-sale distribution of unauthorized equipment only to "business, commercial, industrial, scientific, and medical users," to be evaluated "at the manufacturer's facilities" or, if that is not possible, "at a business, commercial, industrial, scientific, or medical user's site" (§§ 2.803 (d), (e)), the geographic boundaries between commercial spaces and residential spaces are often negligible. Office buildings and residential buildings frequently exist side by side on a single street. Indeed, many buildings contain a mix of residential and office space, such as apartment buildings with doctors' offices on the ground floor and other professional offices throughout the building. In such cases the only thing separating a residence from a commercial or medical office may be the thickness of an interior wall. The current proposal would leave residents living near businesses, medical offices, laboratories and factories vulnerable to RF interference from equipment that has not even been shown to meet the relatively loose medical or industrial standard.

The proposed rule also poses the risk that excessively radiating equipment will find its way directly into residences, thus threatening to cause even more severe interference with local radio and television reception. As we understand, in practice much software development is in effect a cottage industry and it is not unusual for commercial software developers to use employees and consultants who "telecommute" from their convenient home offices rather than being required to commute to the company offices. Certainly the benefits of telecommuting have been promoted heavily as the wave of the future in computer-related press.

Because of the dangers that, under the current proposal, excessively radiating equipment will interfere with the reception of broadcast signals in people's homes, no relaxation of the limits on pre-authorization distribution of Class A (commercial) computer equipment should be allowed unless, at a minimum, manufacturers are required to self-certify that residential areas will not be subject to excessive interference from emissions as defined in the applicable Commission rules. This will place the onus of monitoring and preventing interference where it belongs, on the manufacturers of the RF-emitting equipment.

B. IBM's Suggested Extension of the Proposed Rule to Class B (Home) Computers Would Create an Even Greater Danger of Intolerable Interference with Broadcast Signal Reception in Residential Areas.

Capital Cities/ABC opposes IBM's proposal that a verification procedure be substituted for a certification procedure in the case of Class B personal computers, or those manufactured primarily for consumer or home use. Relaxing pre-distribution requirements for home as well as commercial computers would significantly heighten the danger that excessively emitting PC equipment will be introduced, during development and testing, into residential areas, where it could interfere with the reception of broadcast signals. For example, in the process called beta testing, samples of a home computer device and its associated software are distributed after development to experienced personal computer users to try out for themselves, to see whether regular use reveals difficulties with the device and/or program that were not apparent to the developers and that can be corrected before the product is released for sale. A beta tester, even more than a software writer, can be anybody, anywhere, including someone working in a home office.

C. Commission Procedures Designed to Prevent Undue Interference with Broadcast Signals Should Not Be Relaxed Absent the Resources Necessary to Correct Resulting Problems.

The Commission should not lessen its involvement in certification review unless it is in a position to monitor, and to force manufacturers to correct, any inappropriate interference that may result, thereby assuring that the risks of undue RF interference (in excess of levels stated in self-certifications) are borne by those causing the interference rather than those suffering it. IBM's argument that procedures for pre-distribution release of PC equipment in other countries are more streamlined than in ours misses the fact that, as we understand it, those countries (such as Germany) with streamlined procedures also have governmental authorities who actively police devices for excessive RF interference, disconnect noncompliant devices, and impose fines on manufacturers for excessive interference. In this country, as a practical matter, budgetary constraints and personnel limitations of the Commission's Field Offices make it unrealistic to expect that the Commission will be able to respond to complaints by private citizens who cannot watch their televisions or listen to their radios because of excessive RF noise from nearby computers. Moreover, while in theory we support IBM's suggestion that the Commission "redeploy" to enforcement any resources saved by eliminating its involvement in certification review, in practice "redeployment" of Commission resources from clerical personnel who

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review certification papers in the Commission's offices to the presumably more expensive and specially trained engineers who can monitor compliance around the country would be difficult to achieve and unlikely to occur. And while companies such as IBM may do their best to test early prototypes to make them RF clean, not all computer companies can be counted upon to be that scrupulous in policing themselves. Absent the resources necessary to monitor and eliminate inappropriate interference, we respectfully suggest that the Commission refrain from adopting a rule loosening the standards for release of radio frequency-emitting computer technology.

Respectfully submitted,

Dvora Wolff Rabino
Dvora Wolff Rabino
General Attorney

cc: William R. Richardson, Jr.
Attorney for IBM